

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : 06 Cr. 1054 (RMB)  
 : Filed Electronically

-against-

JAVED IQBAL,

Defendant.

: **REPLY DECLARATION IN**  
: **SUPPORT OF DEFENDANT**  
: **JAVED IQBAL'S**  
: **PRE-TRIAL MOTIONS**

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STATE OF NEW YORK )

)ss.:

COUNTY OF NEW YORK )

JOSHUA L. DRATEL, pursuant to 28 U.S.C. §1746, hereby affirms under penalty of perjury:

1. I am an attorney, and I represent defendant Javed Iqbal in the above-captioned case. I make this Reply Declaration in support of Mr. Iqbal's and Dr. Elahwal's Joint Pre-Trial Motions.

2. The bases for the motion are set forth in detail in the accompanying Reply Memorandum of Law. It is respectfully requested that the facts set forth within that Memorandum of Law be incorporated by reference in this Declaration.

3. In its response, the government argued that Defendants' selective prosecution claim lacked evidentiary support. *See* Gov't Memorandum, at 36. Confronted with such a claim, the Movants have provided video clips and programming from various broadcast agencies that clearly depict Al-Manar logos (since Al-Manar consists of more than one channel),

demonstrating that the footage aired by these broadcast agencies was obtained from Al-Manar. Moreover, as detailed in Mr. Iqbal's affidavit dated June 11, 2007, attached hereto as Exhibit 1, at ¶ 2, all the footage was available in the United States during the time periods indicated.

Counsel has viewed all of the footage provided on the DVD.

4. Below is a description of each of the ten tracks included on a DVD, attached hereto as Exhibit 2. The tracks, and the corresponding names listed on the DVD, are as follows:

Exhibit 2a: *Fox News - July 2006*. This clip, covering the war between Israel and Hizballah, aired in July 2006 in the United States, and reveals a yellow Al-Manar logo in the upper right corner.

In addition, Fox News's "On the Record with Greta [Van Susteren]," aired on the same date, reported that Coca-Cola Corporation and Proctor & Gamble advertised on Al-Manar until a time contemporaneous with the broadcast. *See* Exhibit 2a, at times 1:50 - 1:55.

Exhibit 2b: *Fox News - November 21, 2006*. This clip, covering the assassination of Lebanese Industry Minister Pierre Gemayal, aired on November 21, 2006, in the United States, and reveals a yellow Al-Manar logo in the upper right corner.

Exhibit 2c: *Fox News - Ashura 2007*. This clip, covering the *Shi'a* religious holiday of Ashura, aired in February 2007 in the United States, and reveals a white Al-Manar logo in the top left corner.

Exhibit 2d: *CNN Larry King Live - July 22, 2006*. This clip, interviewing Ibrahim Mousawi, then-Chief Editor of Foreign News for Al-Manar, aired on July 22, 2006, in the United States, and reveals a white logo from "LBC," which represents "Lebanese Broadcast Company," and which the government, in the Indictment, treats as the alter-ego of Al-Manar.<sup>1</sup>

Exhibit 2e: *CNN International - September 22, 2006*. This clip, covering the support rally for Hizballah leader Hasan Nasrallah, aired on September 22, 2006, in the United States, and reveals a yellow Al-Manar logo in

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<sup>1</sup> In fact, while HDTV's contracts were with Al-Manar Television, they were paid by LBC.

the top right corner. *See* Exhibit 2e, at times 3:31-3:39, 3:45.

- Exhibit 2f: *CNN HDTV*. This clip, covering the arrest of Mr. Iqbal, aired in late August 2006 in the United States, and reveals a yellow Al-Manar logo in the upper right corner.
- Exhibits 2g: *Israel International Satellite Channel 10 - July 2006*. This clip, covering the war between Israel and Hizballah, was aired in the United States in July 2006, and reveals a yellow Al-Manar logo in the top right corner.
- Exhibit 2h: *Al-Jazeera English International - May 25, 2007*. This clip, covering Hizballah leader Hassan Nasrallah's speech, was aired on May 25, 2007, in the United States, and reveals a yellow Al-Manar logo in the upper left corner.
- Exhibit 2i: *"The Diaspora."* This program, containing a virulently anti-Semitic and wholly fabricated "dramatization" of Jewish history, aired on Al-Jazeera in the United States in December 2006, and was initially produced in Syria and broadcast by Al-Manar (as indicated by the scrolling text on the screen in the first few moments of broadcast).
- Exhibit 2j: *Israeli Satire of Al-Manar*. This program, a satire of Al-Manar, aired on an Israeli channel.

5. On June 11, 2007, while in his office in New York City, counsel viewed a live streaming Al-Manar television broadcast, available at <http://www.almanar.com.lb/NewsSite/News.aspx?language=en>. According to the website, such live web-casts are available 24 hours each day, seven days a week. A copy of the Al-Manar website's homepage is attached hereto as Exhibit 6.

6. On June 11, 2007, counsel likewise viewed the website for Israel Channel 10, and watched a live streaming broadcast of Al-Manar TV, as evidenced by the yellow Al-Manar logo in the upper right corner, offered in Hebrew to viewers in the United States at 12:43 p.m. The website is available at <http://www.fromil.com/tv/index.php?radio=5> (last viewed at on June 11,

2007), and a copy of the homepage is attached hereto as Exhibit 7. According to the website, such web-casts are available 24-hours, seven days a week.

7. On June 11, 2007, counsel also viewed live streaming online programming on Al-Jazeera's website, available at <http://english.aljazeera.net/English/> (last viewed on June 11, 2007). Such live streaming broadcasts, like that available on Al-Manar's website and Israel Channel 10's website, are available 24-hours, seven days each week. A copy of Al-Jazeera's homepage is attached hereto as Exhibit 8.

WHEREFORE, it is respectfully requested that the Court grant Mr. Iqbal's and Dr. Elahal's pre-trial motions in their entirety, and for any such other and further relief as to this Court seems just and proper.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. 28 U.S.C. §1746. Executed June 11, 2007.

/s/  
JOSHUA L. DRATEL